



388659

**ENFORCEMENT REFERRAL  
DIVISION OF HAZARDOUS WASTE MANAGEMENT**

**This document has been prepared to assist in the preparation and litigation of an enforcement action and is therefore subject to a number of nondisclosure doctrines.**

**TO: Enforcement Coordinator**

**FROM: Cathy L. Altman, DWHM, SWDO**

**DATE: October 21, 2009**

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**1. Responsible Party(ies):**

- a.    **Company Name:**                      Multi-Service
- Individual(s) Name:**           Melvin Tatman, President  
  Joe LaMantia, Vice President
- b.    **Address:**                         1962 Radio Road  
  Dayton, Ohio 45431
- County:**                         Montgomery
- c.    **Contact Person(s):**             Joe LaMantia
- d.    **Telephone Number:**
- e.    **Permit and/or I.D. Number:**   OHR000014605

**Property Owner (if known):**

- a.    **Company/Individual Name:**     Melvin Tatman
- b.    **Address:**  
  Waynesville, Ohio 45068
- c.    **Telephone Number:**

2. **Executive Summary:** (include basis for referral, current compliance status, and any existing special circumstances) Based on hazardous waste management concerns from DSW, Tim Hull and Jeff Smith visited Multi-Service on May 5, 2009, to inspect the storage area only. They discussed LQG compliance issues with the facility and informed them that a complete CEI would be conducted in the near future. During subsequent inspections on June 4, 2009, June 15, 2009, and July 8, 2009, Ohio EPA determined that Multi-Service had stored six (6) hazardous waste totes over 90 days. Multi-Service also had hazardous waste stored in the 6000 gallon hazardous waste storage tank for over 90 days. Multi-Service did not have a proper tank assessment conducted during the installation of the tank system on August 1, 2005. The secondary containment for the hazardous waste tank is insufficient to contain 100% of the tank capacity. Multi-Service was not conducting daily tank inspections.

Multi-Service is still storing hazardous waste from at least December 2008, in the hazardous waste tank. The secondary containment is still not sufficient to contain 100% of the tank capacity.

In August 2006, Multi-Service and Melvin Tatman pled guilty to felony misdemeanor charges related to their discharging flammable liquids to the sanitary sewer and for sending hazardous waste off-site as non-hazardous waste.

3. **Regulatory Status:** (check all appropriate)

<input type="checkbox"/> TSD Facility (Permitted)	<input checked="" type="checkbox"/> Used Oil Activities
<input checked="" type="checkbox"/> TSD Activity (Unpermitted)	<input type="checkbox"/> Universal Waste Activities
<input type="checkbox"/> Transporter	<input type="checkbox"/> Cessation of Regulated Operations
<input type="checkbox"/> Recycler or Reclaimer	
<input checked="" type="checkbox"/> LQG	
<input type="checkbox"/> SQG	
<input type="checkbox"/> CESQG	

- a. Is facility currently operating/active? ☒ Yes ☐ \*No

\* Explanation:

- b. Process Description (if currently operating): Multi-Service is an industrial laundry and dry cleaning service. A hazardous waste liquid sludge is generated from the waste water pretreatment unit. Used oil is generated from extracting oil from materials prior to laundering.

- c. Wastes (including waste codes) Generated: D001 and used oil
- d. Waste Management Practices (containers, tanks, etc.): Hazardous waste is stored in containers (totes) and a 6000 gallon tank. Used oil is stored in a 3800 gallon tank.

**4. Violation(s) cited (list statutory/regulatory citation and provide brief description):**

- 1. ORC 3745.02 (E)(2) and (F): Multi-Service stored hazardous waste in six (6) totes and approximately 3500 gallons in a tank beyond the 90 day storage limit.
- 2. OAC 3745-52-34(A)(2) and (A)(3): Multi-Service failed to properly label and date a hazardous waste tote.
- 3. OAC 3745-65-52 (A) and (E): Multi-Service did not properly describe the procedures the emergency coordinator should take in an emergency and the plan did not include the location, physical description and capabilities of the emergency equipment.
- 4. OAC 3745-65-53(B): Multi-Service failed to provide copies of the Contingency Plan to required agencies.
- 5. OAC 3745-65-54(C): Multi-Service failed to amend the Contingency Plan when operations and waste storage changed at the facility.
- 6. OAC 3745-66-92(A), (B), (D), and (G): Multi-Service did not comply with the tank requirements by not ensuring that the design, installation and structural integrity of the tank system were acceptable prior to storing hazardous waste.
- 7. OAC 3745-66-93: Multi-Service failed to comply with the secondary containment requirements.
- 8. OAC 3745-66-95(A) and (C): Multi-Service failed to inspect the tank system on a daily basis and failed to properly document the inspections.
- 9. OAC 3745-279-22(C): Multi-Service failed to properly label a used oil tank.

**5. Measures to remedy the violation(s) (e.g., what does the company need to do to correct the remaining outstanding violations):**

Multi-Service needs to properly dispose of hazardous waste stored in the tank from approximately December 2008. The tank needs to be properly assessed for tank requirements. The tank system secondary containment needs to be constructed to contain 100% of the tank capacity. The Contingency Plan needs to be updated accordingly.

**6. Identify areas of case in need of further development (e.g. sampling, investigation of additional facilities, etc.):** Waiting on CO's review of the tank assessment submitted by Multi-Service on July 22, 2009.

7. **Describe any known or potential harm to human health or the environment resulting from the violations:** There are no known releases of hazardous waste from either the totes or the tank. However, Multi-Service pled guilty to felony misdemeanor charges for illegal disposal of hazardous waste in 2006. Multi-Service's lack of proper management and illegal storage of hazardous waste increased their potential for improper disposal of the hazardous waste. Also, not having a complete, up to date contingency plan increases the potential for inadequate response from Multi-Service employees and the local Fire Department during an emergency.

8. **List of Attachments (e.g., inspection letters, field notes, maps, diagrams, photographs, sample results, etc.) included in this referral:**

1. May 15, 2009 – IOC assigning inspection, background info
2. June 4, 2009 – Inspection notes and pictures
3. June 15, 2009 – Inspection notes
4. June 17, 2009 – NOV sent to Multi-Service
5. June 17, 2009 – Letter requesting information on the HW tank
6. June 24, 2009 – Multi-Service response to June 17, 2009, NOV
7. June 26, 2009 – Multi-Service response to tank information letter
8. July 8, 2009 – Inspection notes, pictures, July 7, 2009 HW manifest
9. July 8, 2009 – Multi-Service fax of July 6, 2009, HW manifest
10. July 13, 2009 – IOC recommending denial of 30-day extension request
11. July 22, 2009 – NOV letter from July 8, 2009, inspection
12. July 22, 2009 – Multi-Service tank information submittal
13. August 7, 2009 – Multi-Service submittal of Contingency plan
14. August 11, 2009 – Mitch Brown, Crown Solutions emails on tank system
15. September 3, 2009 – Letter non-compliance with Contingency plan
16. September 16, 2009 – Multi-Service submittal of updated Contingency plan
17. October 8, 2009 – Inspection notes and pictures
18. October 9, 2009 – NOV letter for October 8, 2009, inspection

9. **Is this facility a candidate for Pollution Prevention activities?**

☒ Yes                      ☐ No

Please explain: All the hazardous waste is generated from the WWT process, so there may be a potential to minimize water and solvent usage.

10. **District recommendation for enforcement action:**

- ☐ Unilateral Findings and Orders  
☒ Negotiated Findings and Orders, with penalty  
☐ Fast Track?\*\*

- ☐ Warning Letter  
    ☐ Director  
    ☐ Division  
    ☐ District  
☐ Attorney General's Office Referral  
☐ U.S. EPA Referral  
☐ Other; specify:

**\*\*Briefly explain how this referral meets the Fast Track criteria:**

**11. Does the District recommend a Multi-Media Enforcement Action?**

☐ Yes            ☒ No

If yes, please explain:

**12. Signatures of District Office Approval:**

Signed: Cathy L. Altman Date: 10/21/09  
Environmental Specialist 2

Approved: N/A Date: \_\_\_\_\_  
Environmental Specialist 3 (if applicable)

Approved: N/A Date: \_\_\_\_\_  
Environmental Supervisor

Approved: Paul M. Cardo Date: 10/21/09  
Environmental Manager

Approved: [Signature] Date: 10-22-09  
District Chief